

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

IN RE:)	
)	
MICHAEL CROW)	
SSN: xxx-xx-0756)	
)	
REBECCA CROW,)	CASE NO: 22-80503-CRJ-13
SSN: xxx-xx-0833,)	
)	
Debtors.)	CHAPTER 13
)	
)	
MICHAEL CROW and)	
REBECCA CROW,)	
)	
Plaintiffs,)	
)	
v.)	AP NO: 22-80178-CRJ
)	
LIBERTY FINANCE CORPORATION,)	
)	
Defendant.)	

ANSWER TO COMPLAINT

COMES NOW the Defendant, LIBERTY FINANCE CORPORATION, and for ANSWER to the COMPLAINT filed by the Plaintiffs, Michael Crow and Rebecca Crow, states as follows:

1. Admitted that Debtors filed their Petition as an emergency (skeletal) filing on March 25, 2022 at 4:21 p.m. Meaningful Schedules were not filed until April 8, 2022. Liberty Finance Corporation received Notice of the Debtors' Bankruptcy filing, the Case Number and Debtors' Attorney information on April 4, 2022. Defendant admits that Liberty Finance Corporation is a corporation formed under the laws of the State of New Mexico and is registered to conduct business within the State of Alabama. Admitted that Liberty Finance Corporation has locations throughout North Alabama and had a loan with the Debtor husband at its location of 909 6th Avenue SE, Suite D, Decatur, AL 35601.
2. Admitted that Liberty Finance Corporation is listed in the Debtor's Schedules filed on April 8, 2022.

3. Defendant denies that it had Notice of the Debtors' Bankruptcy filing on April 1, 2022, when a text message payment reminder was sent pursuant to the Debtor husband's chosen account preferences. The Defendant called from its office to speak to the Debtor husband on March 25, 2022, and was told by his wife that she and her husband "were going to be filing bankruptcy". No case number was given to Liberty Finance nor any indication that the Debtors had already filed for bankruptcy.
4. Denied that the Plaintiffs are entitled to damages. The Plaintiff, Michael Crow, received a text message on his account in accordance with the preferences he gave to Liberty Finance when he took out his loan. The text message he received clearly states that if he does not want to receive further text messages all he had to do was text back "STOP" and the text messages would stop in accordance with his changed preferences. Rather than text "STOP" the Plaintiff, Michael Crow, chose to proceed with an Adversary Proceeding through his attorney.

Plaintiffs have filed three Adversary Proceedings against creditors within 19 days of filing their Bankruptcy Petition, one against Cash Express bearing case number 22-80175 filed on April 11, 2022, one against Farmers Home Furniture bearing case number 22-80176 also filed on April 11, 2022, and this case filed April 13, 2022. Further, Plaintiff, Rebecca Crow, is not on any loan with Liberty Finance Corporation and, accordingly, cannot prosecute a cause of action, nor make any claim for damages in this case.

5. Denied that the Defendant made any willful violation of the Automatic Stay as the referenced text message was made prior to the Defendant receiving Notice of the Plaintiffs' Bankruptcy filing. Once Liberty Finance received the Case Number and Attorney information on April 4, 2022, they immediately shut down any contact or communications with the Debtor husband regarding his account.
6. Admitted or denied as above.
7. Admitted that Liberty Finance was listed on the Debtors' Schedules submitted on April 8, 2022. Prior to filing the schedules the Defendant received Notice of the Bankruptcy filing on April 4, 2022, and took all appropriate steps to insure that they did not violate the Automatic Stay Order issued by this Honorable Court.
8. Denied. The Schedules were filed a week after the text message was sent.
9. Admitted that an Automatic Stay Order was issued upon the filing of the Plaintiffs' Bankruptcy. Denied that the Defendant received notice of the Automatic Stay prior to the issuance of the referenced text message.

10. Denied that Liberty Finance willfully violated the Automatic Stay.
11. Denied that the wife's advising on March 25, 2022, that the Plaintiffs "were going to be filing bankruptcy" and not providing a case number was "constructive notice" of the filing of a bankruptcy. Notice was sent by the Bankruptcy Court on Thursday, March 30, 2022 and received by Liberty Finance on Monday, April 4, 2022, after the text message was sent.
12. Denied.
13. Denied.
14. Denied that the Defendant had any Notice of the Bankruptcy when the text message was sent, as above.
15. Denied that Defendant was emotionally distressed from receiving one text message as per his account preferences. The text message, itself, advised the Plaintiff that he could easily and speedily opt out of text messages by texting back the word "STOP".

/s/ G. John Dezenberg, Jr.
G. JOHN DEZENBERG, JR.
DEZENBERG & SMITH, PC
Attorneys For Defendant
908-C North Memorial Parkway
Huntsville, AL 35801
Email: dezlaw@bellsouth.net
Phone: (256) 533-5097

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the following by utilizing the Bankruptcy Court Electronic Case Noticing System as follows:

Hon. John C. Larsen
LARSEN LAW, PC
1733 Winchester Road
Huntsville, AL 35811

Hon. Michele T. Hatcher
Chapter 13 Trustee
P.O. Box 2388
Decatur, AL 35602

Done this 3rd day of June, 2022.

/s/ G. John Dezenberg, Jr.
G. JOHN DEZENBERG, JR.
Attorney for Defendant